

REGULAR CITY COUNCIL MEETING  
DECEMBER 28, 1992

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Droubay	Council Member
Rex Harris	Council Member

ABSENT

Robert Dekker	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Judy Baker	City Treasurer
Gregory Schafer	City Employee
Jim Robson	Curley's Lounge
Thomas Chandler	City Resident

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, KNAK Radio Station, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Droubay offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Public Hearing held December 14, 1992, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Robert Droubay MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held December 14, 1992, were presented for consideration and approval.

The Council reviewed the minutes briefly and proposed corrections, after which Council Member Robert Droubay MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Gayle Bunker MOVED that the accounts payable be approved for payment as listed in the amount of \$20,949.41. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### UNFINISHED BUSINESS

##### ATTORNEY RICHARD WADDINGHAM: PROPOSED LEASE AGREEMENT FOR PRIVATE HANGARS AT DELTA MUNICIPAL AIRPORT

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed Lease Agreement For Private Hangars at Delta Municipal Airport.

Attorney Waddingham presented and reviewed in detail a Ground Lease Agreement for Delta City Hangar Space Lease at the Delta Municipal Airport. Attorney Waddingham also presented a proposed ordinance adopting the proposed Lease for Aircraft Hangar Space at the Delta Municipal Airport. However, the ordinance was not listed on the agenda for adoption; therefore, it could not be adopted.

Council Member Robert Droubay MOVED to table this item until the next Regular City Council Meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

##### ATTORNEY RICHARD WADDINGHAM: AMENDED MUNICIPAL WATER RIGHTS ACQUISITION AGREEMENT

Mayor Dafoe asked Attorney Richard Waddingham to discuss an Amended Municipal Water Rights Acquisition Agreement.

Attorney Waddingham presented and reviewed in detail an Amended Municipal Water Rights Acquisition Agreement between Delta City and Intermountain Power Agency (IPA).

Discussion was held regarding the Agreement, after which Council Member Robert Droubay MOVED to authorize the Amended Municipal

Water Rights Acquisition Agreement subject to Attorney Waddingham ascertaining whether or not IPA has conveyed all water rights owed to Delta City. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, Mayor Dafoe called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Absent
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Attorney Waddingham then said that a Resolution would be presented at the next Regular City Council Meeting adopting the Agreement.

#### NEW BUSINESS

##### JIM ROBSON, CURLEY'S LOUNGE: NEW YEAR'S EVE AT CURLEY'S

Mayor Dafoe asked Jim Robson, Curley's Lounge, to discuss New Year's Eve at Curley's.

Jim Robson addressed the City Council and requested their permission to allow Curley's Lounge to remain open beyond 1:00 a.m. on New Year's Eve. Mr. Robson said that he is required to stop serving alcohol at 1:00 a.m., which he would do but he would like to stay open until 2:00 a.m.

Attorney Waddingham said that Delta City Ordinance requires that Taverns and Private Clubs do not remain open to the public after 1:00 a.m. of any day. Therefore, Mr. Waddingham recommended that the City Council do not violate the ordinance and do not grant Mr. Robson permission to remain open after 1:00 a.m. on New Year's Eve. However, Mr. Waddingham recommended that the City Council hold a Special City Council Meeting the following day to amend the ordinance to allow Private Clubs to remain open until 2:00 a.m. on New Year's Eve.

The City Council then told Mr. Robson he could remain open until 2:00 a.m. on New Year's Eve and they would amend the ordinance to allow that in the future.

Discussion was also held regarding an alarm system that Delta City is connected to and is located in the back of Mr. Robson's building. Public Works Director Neil Forster will look into relocating that alarm system to the Delta City Shop area.

ATTORNEY RICHARD WADDINGHAM: ORDINANCE IMPOSING A LENGTH AND WIDTH RESTRICTION ON VEHICLES PARKED ON DELTA CITY STREETS AND PROHIBITING THE PARKING OF CERTAIN VEHICLES AND TRAILERS ON CITY STREETS, AND PROHIBITING THE PARKING OF VEHICLES ON RESIDENTIAL STREETS LOCATED IN DELTA CITY SUBDIVISIONS TO PROVIDE FOR EFFECTIVE SNOW REMOVAL

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance regarding parking of certain vehicles and trailers and City streets and providing for effective snow removal.

Attorney Waddingham presented the following proposed ordinance entitled:

ORDINANCE NO. 92-150

AN ORDINANCE AMENDING TITLE 11-300 ET SEQ OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), BY ADOPTING A NEW SECTION 11-345, IMPOSING A LENGTH AND WIDTH RESTRICTION ON VEHICLES PARKED ON DELTA CITY STREETS AND PROHIBITING THE PARKING OF CERTAIN VEHICLES AND TRAILERS ON CITY STREETS; BY ADOPTING A NEW SECTION 11-346 PROHIBITING THE PARKING OF VEHICLES ON RESIDENTIAL STREETS LOCATED IN DELTA CITY SUBDIVISION BETWEEN THE HOURS OF 9:00 P.M. TO 9:00 A.M., FOR A FIVE MONTH PERIOD FROM NOVEMBER 1 TO MARCH 31, TO PROVIDE FOR EFFECTIVE SNOW REMOVAL.

Discussion was held regarding the proposed ordinance and several corrections were proposed, after which Council Member Gayle Bunker MOVED to table the above ordinance until the next Regular City Council Meeting. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: FORECLOSURE OF TRUST DEED REGARDING PENDRAY ESTATES

Mayor Dafoe asked Attorney Richard Waddingham to discuss foreclosure of a Trust Deed regarding Pendray Estates.

Attorney Waddingham explained that Robert Pendray, Pendray Subdivision, did not complete the required improvements within a period of two years after final acceptance of Final Plat L and Final Plat N in the Pendray Subdivision. However, Delta City holds trust deeds to property within the Pendray Subdivision as guarantee for those improvements. He further explained that the Delta City Subdivision Ordinance allows for a portion of that property to which Delta City holds a trust deed to be sold, and the proceeds may be applied to make the required improvements.

Public Works Director Neil Forster explained that if Delta City chooses to sell the property and make the required improvements, there is approximately 100 feet of area between Plat L and Plat N that is not included in a final plat that has no improvements; therefore, asphalt, curb, gutter, sidewalk and storm drain could not be installed on that property from proceeds from the trust deed sold.

Following lengthy discussion, Council Member Robert Droubay MOVED to table discussion of this item until the next Regular City Council Meeting. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: SUNRISE ENGINEERING-COMPENSATION ENGINEERING FINAL DESIGN SERVICES PROVIDED OCTOBER 1ST THROUGH NOVEMBER 30, 1992-DELTA MAIN STREET PROJECT-\$2,502.20 & SUNRISE ENGINEERING PLANNING AND ADMINISTRATIVE SERVICES PROVIDED NOVEMBER 1ST THROUGH NOVEMBER 30, 1992-/\$11,085.04

Mayor Dafoe presented two payments requests from Sunrise Engineering for Final Design Services provided October 1st through November 30, 1992, in the amount of \$2,502.20 and Planning and Administrative Services provided November 1st through November 30, 1992, in the amount of \$11,085.04 for the Delta Main Street Project.

Following brief discussion, Council Member Rex Harris MOVED to approve payment to Sunrise Engineering for services provided on the Delta Main Street Project in the amount of \$13,587.24. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COOPERS & LYBRAND: AUDIT REPORT FOR YEAR ENDED JUNE 30, 1992

Coopers & Lybrand were not in attendance, therefore, an Audit Report For Year Ended June 30, 1992, was not presented.

#### OTHER BUSINESS

Brief discussion was held regarding snow removal on Saturdays at the Delta City Library.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding

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the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:30 p.m.

  
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DON DAFOE, Mayor

  
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DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: RCCM 2-28-92